

116TH CONGRESS  
1ST SESSION

S. 2689

To prohibit the use of biometric recognition technology and biometric analytics in certain federally assisted rental dwelling units, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 23, 2019

Mr. BOOKER introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

# A BILL

To prohibit the use of biometric recognition technology and biometric analytics in certain federally assisted rental dwelling units, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### 3 SECTION 1. SHORT TITLE.

4        This Act may be cited as the “No Biometric Barriers  
5        to Housing Act of 2019”.

## 6 SEC. 2. PROHIBITION ON BIOMETRIC IDENTIFICATION 7 TECHNOLOGY.

8       (a) IN GENERAL.—On and after the date that is 6  
9 months after the date of enactment of this Act, an owner  
10 of a covered federally assisted rental dwelling unit may

1 not use, or authorize the use of, facial recognition tech-  
2 nology and biometric analytics, physical biometric recogni-  
3 tion technology and biometric analytics, or remote biomet-  
4 ric recognition technology and biometric analytics in the  
5 dwelling unit or in any building or grounds containing the  
6 dwelling unit.

7 (b) DEFINITIONS.—In this Act:

8 (1) ASSISTANCE.—The term “assistance”—  
9 (A) means any grant, loan, subsidy, con-  
10 tract, cooperative agreement, or other form of  
11 financial assistance; and

12 (B) does not include the insurance or guar-  
13 antee of a loan, mortgage, or pool of loans or  
14 mortgages.

15 (2) BIOMETRIC ANALYTICS.—The term “bio-  
16 metric analytics” means authentication techniques  
17 that rely on measurable physical characteristics that  
18 can be automatically checked by technical systems.

19 (3) COVERED FEDERALLY ASSISTED RENTAL  
20 DWELLING UNIT.—The term “covered federally as-  
21 sisted rental dwelling unit” means a residential  
22 dwelling unit that is made available for rental and  
23 for which assistance is provided, or that is part of  
24 a housing project for which assistance is provided,  
25 under—

(A) the public housing program under the  
United States Housing Act of 1937 (42 U.S.C.  
1437 et seq.);

(C) the program for supportive housing for the elderly under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q); or

(5) OWNER.—The term “owner” means any private person or entity, including a cooperative, an agency of the Federal Government, or a public hous-

1       ing agency, having the legal right to lease or sub-  
2       lease dwelling units.

3                     (6) PHYSICAL BIOMETRIC RECOGNITION TECH-  
4       NOLOGY.—The term “physical biometric recognition  
5       technology” means technology that facilitates or oth-  
6       erwise enables an automated or semi-automated  
7       process that assists in identifying an individual or  
8       capturing information about an individual based on  
9       the characteristics of the DNA, fingerprints, palm-  
10      prints, iris, or retina of an individual.

11                    (7) REMOTE BIOMETRIC RECOGNITION TECH-  
12       NOLOGY.—The term “remote biometric recognition  
13       technology” means technology that facilitates or oth-  
14       erwise enables an automated or semi-automated  
15       process that assists in identifying an individual or  
16       capturing information about an individual based on  
17       the characteristics of the gait, voice, or other immu-  
18       table characteristic of an individual ascertained from  
19       a distance, or that logs those characteristics to infer  
20       emotion, associations, activities, or the location of an  
21       individual.

22 **SEC. 3. REPORT TO CONGRESS.**

23       Not later than 1 year after the date of enactment  
24       of this Act, the Secretary of Housing and Urban Develop-  
25       ment shall submit to the Committee on Banking, Housing,

1 and Urban Affairs of the Senate and the Committee on  
2 Financial Services of the House of Representatives, and  
3 make available to the public on the website of the Depart-  
4 ment of Housing and Urban Development, a report that  
5 describes—

6                 (1) any known usage of facial recognition tech-  
7 nology and biometric analytics, physical biometric  
8 recognition technology and biometric analytics, or re-  
9 mote biometric recognition technology and biometric  
10 analytics in any covered federally assisted rental  
11 dwelling unit during the 5 years preceding the date  
12 of enactment of this Act;

13                 (2) the impact of those technologies and bio-  
14 metric analytics on the residents of those covered  
15 federally assisted rental dwelling units;

16                 (3) the purpose of installing those technologies  
17 and biometric analytics in those covered federally as-  
18 sisted rental dwelling units;

19                 (4) demographic information about the resi-  
20 dents of each covered federally assisted rental dwell-  
21 ing unit where the usage of those technologies and  
22 biometric analytics occurred; and

23                 (5) the potential impacts on vulnerable commu-  
24 nities of additional usage of facial recognition tech-  
25 nology and biometric analytics, physical biometric

1       recognition technology and biometric analytics, or re-  
2       mote biometric recognition technology and biometric  
3       analytics in covered federally assisted rental dwelling  
4       units, including impacts on resident privacy, civil  
5       rights, and fair housing.

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